

**28635. Adulteration of tomato paste. U. S. v. 416 Cases and 434 Cases of Tomato Paste. Decrees of condemnation. Property ordered released under bond for segregation and destruction of the unfit portion.** (F. & D. Nos. 39005, 39071, 39072. Sample Nos. 21678-C, 21696-C, 21697-C.)

This product contained filth resulting from worm infestation.

On January 26 and February 11, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 850 cases of tomato paste at New Orleans, La., alleging that the product had been shipped in interstate commerce on or about December 3, 1936, by the Anaheim Canning Co. from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Kitty Brand Color Added Tomato Paste \* \* \* Packed by Gloriosso Canning Co. Anaheim, Calif."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 5, 1938, the Anaheim Canning Co. having appeared and answered, and having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that the good be separated from the bad under supervision of this Department, and that the bad be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28636. Adulteration of apples. U. S. v. 140 Bushels of Apples. Consent decree of condemnation. Product released for washing.** (F. & D. No. 40470. Sample No. 62277-C.)

This product was contaminated with arsenic and lead.

On or about September 21, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bushels of apples at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about September 17, 1937, from Lincoln, Ark., by A. L. Hall, of Fort Worth, Tex., to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 22, 1937, A. L. Hall, claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the court ordered that the product might be delivered to the claimant upon payment of costs, providing that the deleterious ingredients be first removed by washing under official supervision.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28637. Adulteration and misbranding of butter. U. S. v. 3 Cases and 34 Cases of Butter. Product ordered released under bond for reworking.** F. & D. No. 40191. Sample Nos. 53311-C, 53317-C, 53320-C.)

A portion of this product contained less than 80 percent of milk fat; the remainder was short weight.

On August 4, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 cases of butter at Mobile, Ala., consigned by Armour Creameries, alleging that the article had been shipped in interstate commerce from Meridian, Miss., in part on or about July 12, and in part on or about July 26, 1937, and charging misbranding with respect to a portion, and adulteration and misbranding with respect to the remainder in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Armour's Cloverbloom Butter 1 Lb. Net Weight \* \* \* Armour Creameries Chicago U. S. A. Distributors"; (parchment wrapper) "1/4 Lb. Net Weight."

A portion of the article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923. The said lot was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since it contained less than 80 percent of milk fat.

The remaining lot of the product was alleged to be misbranded in that the statements "1 Lb. Net Weight" and " $\frac{1}{4}$  Lb. Net Weight" were false and misleading and tended to deceive and mislead the purchaser. The said lot was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On September 22, 1937, Armour & Co. having appeared as claimant, judgment was entered ordering that the product be released to the claimant under bond, conditioned that it be reworked to the legal standard, and be made to comply with the requirements of the law in all other respects.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28638. Adulteration and misbranding of Gly-Ketol and Solvex. U. S. v. 10 Gallons of Gly-Ketol (and 6 other seizure actions). Decrees of condemnation and destruction.** (F. & D. Nos. 41068, 41177, 41195, 41253, 41280, 41312, 41372. Sample Nos. 30197-C, 44287-C, 50576-C, 55093-C, 58042-C, 58043-C, 58065-C, 60611-C.)

These cases involved solvents that consisted of a glycol or a glycol ether, or both, poisons.

On various dates between December 11, 1937, and January 11, 1938, seven United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of  $13\frac{1}{2}$  gallons of Gly-Ketol and approximately 25 gallons of Solvex in various lots at New Orleans, La.; Richmond, Va.; Miami, Fla.; Salt Lake City, Utah; West Berlin, Mass.; Omaha, Nebr. The libels alleged that the articles had been shipped in interstate commerce on various dates between June 24 and November 30, 1937, from New York, N. Y.; Chicago, Ill.; or Los Angeles, Calif., by Dodge & Olcott Co., of New York, N. Y., and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Dodge & Olcott Company \* \* \* New York."

The articles were alleged to be adulterated in that a glycol or a glycol ether, or both, had been substituted in whole or in part for Solvex and Gly-Ketol, food-flavor solvents, which they purported to be.

All the products except one can of Solvex at Omaha, Nebr., were alleged to be misbranded in that the following statements, "Solvex," "Gly-Ketol," and (one lot of Solvex) "a non-alcoholic solvent for essential oils, vanillin, etc.," borne on the labels, were false and misleading when applied to poisons unfit for use as food solvents. All the products except one can of Solvex at Salt Lake City, Utah, were alleged to be misbranded further in that they were sold or offered for sale under the distinctive names of other articles, Solvex and Gly-Ketol, food-flavor solvents.

On various dates between January 12 and March 28, 1938, the claimant for the can of Solvex at Omaha, Nebr., having consented to the entry of a decree, and no claim having been made for the remaining lots, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28639. Adulteration and misbranding of imitation flavors. U. S. v. 2 Bottles of Imitation Wild Cherry and Imitation Apricot Flavors (and four other seizure actions against similar products). Default decree of condemnation and destruction.** (F. & D. Nos. 41002, 41003, 41004, 41202, 41250, 41251, 41252, 41348. Sample Nos. 47674-C, 48785-C, 71207-C, 71208-C, 71209-C, 71235-C, 71236-C, 71237-C.)

These cases involved imitation flavors which consisted in large part of a glycol, or a glycol ether, or both, poisons.

Between the dates of December 4, 1937, and January 7, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 5 gallons and 3 pints of imitation flavors, in various lots, at Indianapolis, Ind., Philadelphia, Pa., and Oklahoma City, Okla. The libels alleged that the articles had been shipped in interstate commerce on various dates between May 3 and November 17, 1937, from New York, N. Y., and Chicago, Ill., by Dodge & Olcott Co., of New York, N. Y., and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Dodge & Olcott Company New York."

The articles were alleged to be adulterated in that they contained an added poisonous or deleterious ingredient, a glycol, or a glycol ether, or both, which